

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Petition of Boston Edison Company,
Cambridge Electric Light Company
Commonwealth Electric Company
NSTAR Gas Company

D.T.E. 05-85

**PETITION TO INTERVENE
OF
PRESIDENT AND FELLOWS OF HARVARD COLLEGE**

Pursuant to 220 C.M.R. 1.03, President and Fellows of Harvard College, a Massachusetts charitable and educational corporation, ("Harvard" or the "Petitioner"), hereby petition the Department of Telecommunications and Energy ("Department") for leave to intervene in the above-captioned proceeding. In support of this petition, the Petitioner states the following:

1. Harvard is a non-profit educational institution located at 1350 Massachusetts Avenue, Cambridge, Massachusetts.
2. Harvard is one of the largest customers of Cambridge Electric Light Company ("CELCo") and relies on CELCo to meet its electricity needs. Harvard is also a customer of NSTAR Gas Company ("NSTAR Gas") and relies upon NSTAR Gas to meet its gas supply needs.
3. On December 6, 2005, pursuant to G.L. c. 164, § 94 and 220 CMR § 5.00 et seq., Boston Edison Company, Cambridge Electric Light Company, Commonwealth Electric Company, (together "NSTAR Electric"). NSTAR Gas Company ("NSTAR Gas," collectively with NSTAR Electric, the "Companies") with the Department of Telecommunications and Energy ("Department") seeking approval of a rate settlement agreement ("Settlement") entered into with the Attorney General of the Commonwealth ("Attorney General"), the Low-Income

Energy Affordability Network and the Associated Industries of Massachusetts.

4. According to the Companies, the Settlement would mitigate rate increases for electric and gas customers. The Settlement provides for (1) NSTAR Electric rate changes on January 1, 2006 and May 1, 2006, (2) a performance-based rate mechanism for NSTAR Electric beginning January 1, 2007 and extending through December 31, 2012, (3) NSTAR Gas rate changes on January 1, 2006, (4) an expansion of NSTAR Electric's storm fund, (5) the implementation of new procurement programs for NSTAR Electric basic service customers, (6) the implementation of a fixed-price option for NSTAR Gas residential and small commercial default service customers, (7) the implementation of service quality, safety and reliability programs, (8) the implementation of a low-income arrearage management program, and (9) the preparation of an annual capital projects scheduling list.

5. The Department's decision in this proceeding will affect the rates, terms and conditions and quality of service for the Petitioner as customers of CELCo and NSTAR Gas as well as other customers. The Petitioner will be substantially and specifically affected by the Department's adjudication of the Companies' proposal with respect to the transfer of collections from transition rates to distribution rate proposed for CELCo, the proposed distribution rate increase and the performance program and other measures proposed by the Companies in the Settlement. These issues will directly impact the rates and prices paid by Harvard for gas and electric service and the quality of the services provided by the Companies. The Petitioner will be substantially and specifically affected by the Department's investigation as to whether the proposed rate plan will result in the avoidance of harm to ratepayers. Harvard also will be substantially and specifically affected by the proposed distribution rate increase proposed by CELCo and the resulting deferral for later recovery of transition cost charges.

6. Harvard endorses certain components of the Settlement including the low income

program (paragraph 2.24) the expansion of the storm fund (paragraph 2.19 and 2.20) and the proposed reduction in the transition rate (paragraphs 2.2 and 2.4). However, if the Department proceeds to a full investigatory process with discovery hearings and briefs, Harvard reserves its rights to fully participate in the proceeding as an intervenor while supporting aspects of the Settlement as noted above. Harvard may seek to investigate and address: (1) whether the proposed distribution rate increase to CELCo customers is appropriate and consistent with the provisions of G.L.c. 164; (2) whether CELCo's proposed distribution rate plan is supported by the evidence presented in this filing; (3) whether CELCo's proposed distribution of the proposed revenue changes is warranted without full investigation of the Company's entire cost of service to demonstrate that changes in exogenous factors warrant such rate revisions; (4) whether the Companies' proposed distribution rate increase should be supported by a new allocated cost of service study and rate design for each of the subsidiaries and for each tariff for each individual customer class served by the Companies; (5) whether the Petitioner is quality of service as CELCo and NSTAR Gas customers will be jeopardized or degraded by the Companies' settlement proposal; (6) whether the service quality measures proposed by the settlement are adequate to protect against degradation of service and whether the proposed levels of service for individual measures are appropriate; (7) whether Harvard as a CELCo and NSTAR customer will be protected against potential cross-subsidization resulting from the lack of appropriate cost allocation analyses in this proceeding; (8) whether Harvard as a CELCo and NSTAR customer will be impacted by implicit changes in proposed rate design; (9) whether the Petitioner's transition cost responsibility will be increased by the proposed decrease in CELCo's transition cost charge and deferral of those same transition costs, plus carrying charges, for later recovery from the Petitioner and other ratepayers; (10) whether the proposed seven year plan for rate changes and increases is appropriate and consistent with Department precedent; (11) whether the

projected savings described by the Companies for the first five months as an offset to later increase is accurate and verifiable; (12) whether issues related to the merger set forth in Paragraphs 2.16 through 2.18 will be presented to all parties for discussion prior to necessary additional filings before the Department and other regulatory agencies; and (13) whether Chapter 164, section 1G allows for the collection of revenues related to the transition costs as proposed through the transition charge.

10. The Petitioner's interests in this proceeding are unique and cannot be adequately represented by any other party.

11. Harvard seeks to participate as a full intervenor in this case, and where appropriate, to file comments, attend and participate in technical conferences, present witnesses, file discovery, cross-examine witnesses, and submit briefs.

WHEREFORE, President and Fellows of Harvard College respectfully requests that the Department grant its Petition to Intervene.

Respectfully submitted,
PRESIDENT AND FELLOWS
OF HARVARD COLLEGE
By its attorney,

A handwritten signature in cursive script that reads "John A. DeTore" followed by a circled number "121".

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Dated: December 20, 2005